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Honorable Christopher M. Alston
Chapter 11
Hearing Location: Rm. 7206
Hearing Date: Friday, April 20, 2018
Hearing Time: 9:30 a.m.
Response Date: April 13, 2018

7
8 UNITED STATES BANKRUPTCY COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

In re:

NORTHWEST TERRITORIAL MINT, LLC,
11
12 Debtor.

Case No. 16-11767-CMA

TRUSTEE'S MOTION FOR AUTHORITY TO
ABANDON AND DESTROY RECORDS

13 Mark Calvert (the “Trustee”), Chapter 11 Trustee for the consolidated estates of Medalllic Art
14 Company, LLC and Northwest Territorial Mint, LLC (“NWTM” or the “Debtor”), submits this
15 Motion, requesting authority to abandon and destroy business records of NWTM from before 2012.
16 The Trustee seeks authority for the relief requested pursuant to 11 U.S.C. §363 and 11 U.S.C. §554.
17 In support of the Motion, the Trustee respectfully states as follows:

18 I. FACTS

19 On April 1, 2016, the Debtor commenced this case by filing a voluntary petition under
20 chapter 11 of the United States Bankruptcy Code. On April 11, 2016, the Court appointed Mark
21 Calvert as chapter 11 Trustee. *See* Dkt. No. 51. Upon his appointment, the Trustee took control over
22 the business operations of the Debtor and initiated his investigation of the financial affairs of the
23 bankruptcy estate. The Trustee has worked for more than 20 months to maintain and grow the
24 business of the Northwest Territorial Mint. Unfortunately, the business has not been profitable since
25 the Spring of 2017 and the Trustee has run out of cash to continue to operate the business. The
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1 Trustee closed the business on December 29, 2017 after working for many months to sell the
2 business as a going concern.

3 NWTM's primary manufacturing facility is located in Dayton, Nevada. There are many files
4 and boxes of company records that date back as far as the 1990s. The Trustee has determined that
5 these records have no value to NWTM or the bankruptcy estate. The Trustee is seeking to liquidate
6 the remaining assets of the bankruptcy estate and will need to vacate the Dayton premises following
7 the completion of his liquidation efforts. The company records must be disposed of before the
8 Dayton premises are vacated. The Trustee therefore requests authority to abandon or destroy all
9 company records that date back to before the year 2013. The Trustee is unaware of any litigation or
10 other bankruptcy estate matters for which such records could become relevant. The Trustee will
11 maintain more recent records, those from 2013 on.

12 **II. EVIDENCE RELIED UPON**

13 This Motion relies on the arguments set forth herein, the Declaration of Mark Calvert filed in
14 support of the Motion and the pleadings and records on file in this case, and the arguments of
15 counsel, if any.

16 **III. ARGUMENT**

17 The Court should allow the Trustee to abandon or destroy NWTM's older business records,
18 as they are no longer of benefit to the bankruptcy estate.

19 11 U.S.C. § 554(a) permits the Trustee, after notice and a hearing, to "abandon any property
20 of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the
21 estate."

22 The business records housed in the Debtor's Dayton facility have no value to the estate and
23 are simply taking up office space. Thus, the standard pursuant to section 554 is easily met. The
24 records are not used in the Debtor's business and are not relevant to any ongoing legal proceedings.
25 The Trustee will keep any records beginning with records from 2013 and on.

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IV. CONCLUSION

For the foregoing reasons, the Trustee respectfully requests that the Court authorize the abandonment and destruction of business records dated earlier than 2013.

DATED this 22nd day of March, 2018.

K&L GATES LLP

By /s/ David C. Neu
Michael J. Gearin, WSBA #20982
David C. Neu, WSBA #33143
Brian T. Peterson, WSBA #42088
Attorneys for Mark Calvert, Chapter 11 Trustee

**TRUSTEE'S MOTION FOR AUTHORITY TO ABANDON
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2 **CERTIFICATE OF SERVICE**
3
4

5 The undersigned declares as follows:
6
7

8 That she is a Paralegal in the law firm of K&L Gates LLP, and on March 22, 2018, she
9 caused the foregoing document to be filed electronically through the CM/ECF system which caused
10 Registered Participants to be served by electronic means, as fully reflected on the Notice of
11 Electronic Filing.

12 Also on March 22, 2018, she caused the foregoing document to be placed in the mail to the
13 Parties at the addresses listed below:

14 Northwest Territorial Mint LLC
15 c/o Ross Hansen, Member
16 P.O. Box 2148
17 Auburn, WA 98071-2148

18 I declare under penalty of perjury under the laws of the State of Washington and the United
19 States that the foregoing is true and correct.
20

21 Executed on the 22nd day of March, 2018 at Seattle, Washington.
22

23 _____
24 /s/ *Denise A. Lentz*
25 Denise A. Lentz
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TRUSTEE'S MOTION FOR AUTHORITY TO ABANDON
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